

PROPOSED AMENDMENTS TO THE ANIMAL CONTROL ORDINANCE

The Amendment will appear under Chapter 4, entitled Animals, of the Durham County Ordinance.

CHAPTER 4 ANIMALS

ARTICLE I. IN GENERAL

Sec. 4-13. Definitions.

Restraint means a secure enclosure located on the owner's property, ~~or a chain,~~ **attended** leash ~~or other physical~~ or electronic device of sufficient strength which allows the owner to maintain control of an animal. Voice command is not recognized as adequate restraint.

Secure enclosure unless otherwise specifically defined herein, means an enclosure from which an animal cannot escape by means of digging under or jumping over the enclosure, or otherwise becoming free unless freed by the owner. A motor vehicle shall not constitute a secure enclosure. Minimum space and height requirements and other specifications for secure enclosures shall be obtained from animal control based on the breed, age, height and weight of the animal.

Stray, lost, or unwanted means any animal found within the county wandering at large which does not have identification of an owner.

***Tethering* means tying out or fastening outdoors on a rope, chain or similar restraint for holding an animal. This shall not preclude restraining an animal within a secure enclosure inside the home or on an attended leash.**

ARTICLE III. ANIMAL ABUSE

Sec. 4-62. General care; prohibited acts.

All animals shall be kept and treated under sanitary and humane conditions and it shall be unlawful for any person to engage in one or more of the following acts:

(1) *Failure to provide adequate food.* All animals, unless otherwise indicated in this chapter, shall be given at suitable intervals, not to exceed 24 hours, a quantity of wholesome foodstuff in a container suitable for the age and species of the animal and sufficient to maintain a healthful level of nutrition

(2) *Failure to provide adequate water.* All animals shall have constant access to a supply of clean, fresh, potable water or a supply of clean, fresh potable water provided at suitable intervals. If access is not constant, then adequate amounts of water must be provided at least twice in a 24-

hour period. If water is provided at intervals, it must remain in the animal's enclosure for at least one hour during each interval.

(3) *Failure to provide adequate shelter.* All animals shall be provided with adequate shelter from the weather at all times. It shall be within the discretion of animal control officers to determine what constitutes adequate shelter. Examples of inadequate shelter include, but are not limited to the following:

- a. Underneath outside steps, decks and stoops.
- b. Underneath houses.
- c. Inside or underneath motor vehicles.
- d. Inside metal or plastic barrels.
- e. Inside cardboard boxes.
- f. Inside temporary animal carriers or crates.
- g. Shelters located in flood-prone areas.
- h. Shelters surrounded by waste, debris, obstructions or impediments that may endanger an animal.

(4) Failure or refusal of any owner in contact with or having knowledge of a sick, diseased or injured animal to provide proper medical treatment for the animal or notify the animal control division of the condition. A sick animal shall go no longer than 24 hours without veterinary care.

(5) *Animal abuse.* Examples of animal abuse include, but are not limited to the following:

- a. Allowing a collar, rope or chain to become embedded in or cause injury to an animal's neck.
- b. Allowing a choke or pinch collar to be used as a primary collar when the animal is left unsupervised.
- c. Allowing a dog or cat to be left outside in inclement weather or extreme temperatures without adequate shelter.
- d. Intentionally allowing animals to engage in a fight.
- e. Allowing animals to live in unsanitary conditions.
- f. Allowing animals to live in crowded conditions (less than 100 square feet of unobstructed area per each animal weighing 20 pounds or under, less than 200 square feet of unobstructed area per each animal weighing greater than 20 pounds).
- g. Failure or refusal to obtain medical treatment for an animal when in an animal control officer or animal cruelty investigator's opinion such treatment is needed.
- h. Trapping a dog or cat without a permit issued by animal control.
- i. Permitting any exhibit, function or activity where animals are being cruelly treated or animals run the risk of causing injury to the public or themselves. The animal control division shall have the authority to inspect and to close down public exhibits of animals which are part of fairs, carnivals, festivals, fund raising events, petting zoos and any other activity or function carried out in the county if it is determined that animals are being cruelly treated, abused or run the risk of causing injury to the public or themselves.

(6) Tethering of an animal except under the following circumstances: ~~to a stationary object for a period of time or under conditions that an animal control officer or animal cruelty investigator deems harmful or potentially harmful to the animal. Examples of improper chaining or tethering include, but are not limited to the following:~~

Tethering for a period not to exceed 7 days while actively engaged in:

- A. shepherding or herding livestock
- B. lawful dog activities such as hunting training and hunting sporting events, field and obedience training, field or water training, law enforcement training, veterinary treatment and/or the pursuit of working or competing in these legal endeavors
- C. meeting the requirements of a camping or recreational area

When participating in recognized exempt activities, tethered dogs shall be attended by a responsible person and shall be tethered in a manner that does not cause unjustifiable pain, suffering or risk of death.

- ~~a. Using a length or weight of a chain or tether that is not appropriate for the size, weight and age of the animal. Guidelines for the proper weight and length of chains or tethers can be obtained from the animal shelter or animal control.~~
- ~~b. Using a chain or tether made of rope, twine, cord or similar material.~~
- ~~c. Using a chain or tether that is less than ten feet in length and/or does not have swivels on both ends. All chains or tethers must be attached to the animal by means of a properly fitting harness or collar of not less than one inch in width.~~
- ~~d. Using a chain or tether that exceeds ten percent of the animal's body weight.~~
- ~~e. Allowing an animal to be chained or tethered such that the animal is not confined to the owner's property or such that the chain or tether can become entangled and prevent the animal from moving about freely, lying down comfortably or having access to adequate food, water and shelter.~~
- ~~f. Using a chain as a primary collar. All collars used for the purpose of chaining or tethering an animal must be made of nylon or leather.~~

This ordinance amendment shall become effective 15 months after its adoption. The implementation phase will include a 12 month period of public outreach and education regarding the ordinance amendment to be followed by a 3 month period in which only warnings will be issued.